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DATE: June 21, 2006

PTO IDENTIFIER: Application Number 10/616696-Conf. #1591
Patent Number

Inventor: Narutoshi SUGITA et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (671) 273-8300

FROM: LAHIVE & COCKFIELD, LLP

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Attorney Dkt. #: CSC-021CN

PAGES (Including Cover Sheet): 5

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Response to Restriction Requirement (with Traverse) (2 pages)
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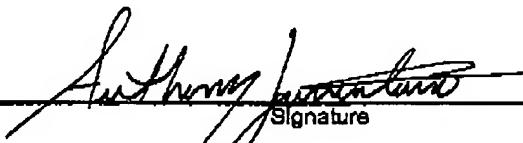
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Application No. (if known): 10/616696

Attorney Docket No.: CSC-021CN

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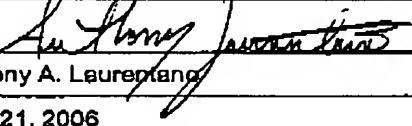
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Total Number of Pages In This Submission	Application Number 10/616696-Conf. #1591 Filing Date July 9, 2003 First Named Inventor Narutoshi SUGITA Art Unit 1745 Examiner Name D. W. D. Yuan Attorney Docket Number CSC-021CN
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ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement
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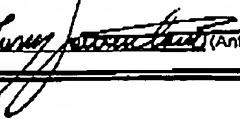
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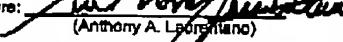
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JUN 21 2006Docket No.: CSC-021CN
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Dated: June 21, 2006	Signature:  (Anthony A. Laorenzano)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Patent Application of:
Narutoshi Sugita *et al.*

Application No.: 10/616696

Confirmation No.: 1591

Filed: July 9, 2003

Art Unit: 1745

For: **SOLID POLYMER ELECTROLYTE FUEL
CELL STACK**

Examiner: D. W. D. Yuan

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed May 22, 2006 (Paper No. 05162006).

The Examiner has required restriction between the following distinct species of the claimed invention in the above-identified application:

Species I - encompassing claims 1-4 which is drawn to a fuel cell stack comprising a plurality of fuel cell units, a fuel gas supply/discharge passage, an oxygen-containing gas supply/discharge passage, a plurality of fuel gas flow passages and a plurality of oxygen-containing gas flow passages;

Species II - encompassing claims 5-8 drawn to a fuel cell stack comprising a plurality of fuel cell units, a fuel gas supply port, an oxygen-containing gas supply port, a plurality of fuel gas flow passage and a plurality of oxygen-containing gas flow passages;

Species III - encompassing claims 9-19 drawn to fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, a fuel gas supply/discharge passage, and an oxygen-containing gas supply/discharge passage;

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Docket No.: CSC-021CN

Species IV - encompassing claims 20-26 drawn to a fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, a fuel gas supply/discharge passage, a supply port for the fuel gas supply/discharge passage and a discharge port for the fuel supply/discharge passage; and

Species V - encompassing claims 27-32 drawn to a fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, an oxygen-containing gas supply/discharge passage, a supply port for the oxygen-containing gas supply/discharge passage and a discharge port for the oxygen-containing gas supply/discharge passage.

Accordingly, Applicants hereby elect Species II, claims 5-8 for continued examination, with traverse. Applicants respectfully note that claim 5 is generic relative to the claims within the elected group.

Applicants respectfully assert that a single search of pertinent prior art would appear to suffice for all aspects of the invention. Specifically, the various species appear to be so interrelated that a single examination would not appear to place a serious burden on the Examiner. Therefore, Applicant urges the Examiner to reconsider and withdraw the restriction requirement.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Dated: June 21, 2006

Respectfully submitted,

By 
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